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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,581	07/13/2001	Tetsuji Togawa	2001-0998A	9577
7590	01/14/2004		EXAMINER	
WENDEROTH LIND PONACK 2033 K STREET NW SUITE 800 WASHINGTON, DC 20006			MORGAN, EILEEN P	
			ART UNIT	PAPER NUMBER
			3723	
			DATE MAILED: 01/14/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No. 09/903,581	Applicant(s) Togawa et al.
Examiner Morgan	Art Unit 3723



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1)  Responsive to communication(s) filed on Sep 4, 2003
- 2a)  This action is FINAL.      2b)  This action is non-final.
- 3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- 4)  Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5)  Claim(s) \_\_\_\_\_ is/are allowed.
- 6)  Claim(s) 1-13 is/are rejected.
- 7)  Claim(s) \_\_\_\_\_ is/are objected to.
- 8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9)  The specification is objected to by the Examiner.
- 10)  The drawing(s) filed on \_\_\_\_\_ is/are a)  accepted or b)  objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a)  All b)  Some\* c)  None of:
1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \*See the attached detailed Office action for a list of the certified copies not received.

- 14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a)  The translation of the foreign language provisional application has been received.
- 15)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1)  Notice of References Cited (PTO-892)      4)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)      5)  Notice of Informal Patent Application (PTO-152)
- 3)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_      6)  Other: \_\_\_\_\_

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## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

3. Claims 1-6,9, rejected under 35 U.S.C. 102(e) as being clearly anticipated by Sommer et al.-6,447,347.

Sommer discloses the claimed polishing apparatus having a top ring and table, linearly movable relatively to said top ring, rotating and transverse motions of a polishing head and transverse motion of dressing devices.

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***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7,8 rejected under 35 U.S.C. 103(a) as being unpatentable over Sommer in view of Elder-6,428,407.

Sommer does not disclose a pad of more than one coarseness of abrasive. However, Elder teaches it is well-known to use a linear abrasive material having various degrees of coarseness, wherein there is a groove between each of the sections. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to use a polishing material in the device of Sommer with varying degrees of coarseness, as taught by Elder, in order to be able to perform multiple polishing operations.

6. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sommer in view of Skrovan-6,361,413.

Sommer does not show the table moving linearly. However, Skrovan shows a polishing pad in conjunction with a top ring, wherein the pad is atop a table that reciprocates linearly (along B-B). Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to substitute the table disclosed by Sommer with a linear reciprocating table, as taught by Skrovan, since both work equally well and, in order to reduce the need for a belt and pulleys,

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thereby saving time, money, and space. It is inherent that there is a guide for linear movement within 26.

7. Claims 11-13 are rejected under 35 U.S.C. 102(e) as anticipated by Skrovan or, in the alternative, under 35 U.S.C. 103(a) as obvious over Skrovan in view of Noto et al.-4,268,999. Skrovan discloses a polishing apparatus having a top ring, a table for linear reciprocating movement, and a pad affixed on the table. It is inherent that the table has a 'guide' for the linear movement. However, Noto teaches an abrading apparatus having a gridding means mounted for linear reciprocating movement relative to the workpiece. The linear movement comprises a linear guide rail having a horizontal guide surface (51-59). Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to provide the table of Skrovan with a linear guide rail, as taught by Noto, in order to accurately position table while undergoing reciprocal movement.

***Response to Arguments***

8. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to E. Morgan whose telephone number is (703) 308-1743.



EILEEN P. MORGAN  
PRIMARY EXAMINER

EM

January 12, 2004